



DRAFT Minutes
WATER RESOURCES ADVISORY COMMISSION
Monthly Meeting

March 05, 2015, 9:00 AM
 District Headquarters - B-1 Auditorium
 3301 Gun Club Road
 West Palm Beach, FL 33406

| Attendee Name | Title | Status |
|------------------------|--------------------------------|---------|
| Douglas Yoder | Alternate for Bill Johnson | Present |
| Samantha Whitcraft | Alternate for John Lamkin | Absent |
| D. Albrey Arrington | Utility | Present |
| Jeff Ward | Alternate for Barbara Miedema | Absent |
| Shelley Vana | Local Government | Present |
| Douglas Bournique | Agriculture | Present |
| Bob Ulevich | Alternate for Doug Bournique | Present |
| Jeff Scott | NRCS / Federal | Absent |
| Vincent Encomio | Alternate for Mark Perry | Absent |
| Jim Reynolds | Utility | Present |
| Kurt Harclerode | Alternate for Pam Keyes | Absent |
| Michael Harford | Local Government | Absent |
| Mark Perry | Environmental | Present |
| James Humble | Agriculture | Present |
| William "Chad" Kennedy | FDEP | Present |
| John T. Lamkin | NOAA / Federa | Absent |
| Joan Lawrence | US DOI / Federal | Present |
| Barbara Miedema | Agriculture | Present |
| Linda McCarthy | Alternate for Bubba Wade | Present |
| Kimberly Lawrence | Alternate for Michael Harford | Present |
| Newton Cook | Public Interest | Present |
| Don Fox | Alternate for Chuck Collins | Present |
| Mary Ann Martin | Public Interest | Present |
| Brian L. Wheeler | Utility | Present |
| James J. Moran | Chairman | Present |
| Joe Capra | Business | Present |
| Bud Howard | Alternate for Albrey Arrington | Absent |
| Michael Collins | Public Interest | Present |
| Mark Dombroski | Alternate for Newton Cook | Absent |
| Medora Krome | Alternate for James Humble | Excused |
| James Erskine | Miccosukee Tribe | Present |

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|-------------------------|-------------------------------|---------|
| John Lesman | Business | Present |
| Ashley Tripp | Alternate for Mary Ann Martin | Absent |
| Rich Budell | Alternate for W. Ray Scott | Present |
| Wovoka Tommie | Seminole Tribe | Present |
| Malcolm "Bubba" Wade | Agriculture | Present |
| Jacqui Thurlow-Lippisch | Alternate for Joe Capra | Present |
| Thomas Greco | USACE | Present |
| Neale Montgomery | Business | Present |
| Harry Raucher | Utility | Present |
| Pat Martin | Alternate for Harry Raucher | Present |
| Joshua Kellam | Business | Absent |
| Lance R. Bennett | Business | Absent |
| Erin Deady | Environmental | Present |
| Adam Gelber | Public Interest | Present |
| Jason Liechty | Alternate for Kristin Jacobs | Present |
| Tom Jones | Agriculture | Present |
| Mike Sweeney | Alternate for Brian Wheeler | Present |
| Pam Keyes | Utility | Present |
| Jenny Conner Nelms | Environmental | Absent |
| Nancy Payton | Environmental | Present |
| W. Scott Ray | FDACS / Statewide | Present |
| Karson Turner | Local Government | Present |
| Jamie Poulos | Alternate for Lance Bennett | Absent |
| Tabitha Cale | Environmental | Present |
| Jill Hoog | Business | Present |
| Ernie Marks | FWC/Statewide | Present |
| Kevin Powers | Vice-Chairman | Present |

2. Call to Order - James J. Moran, WRAC Chairman

Mr. Moran called the meeting to order at 9:01 am and introduced Vice Chairman Kevin Powers.

3. WRAC Member Issues

Mark Perry, Florida Oceanographic Society, communicated Lake Okeechobee (Lake) discharges which started several weeks ago to both east and west coast are ongoing with the exception of a short cessation to the east as bacterial sampling activities were being conducted. Mr. Perry also stated that the rain event of last weekend was tremendous and compounds the drop in salinity when paired with Lake discharges from about 20 parts per thousand to 6 parts per thousand in the estuary which is critical habitat for oysters. Mr. Perry said that he hoped that some of the discharges would be eliminated so that the salinity levels could return to normal. Mr. Perry said the discharges indicated that there is nowhere else to discharge Lake water emphasizing the need for a southern outlet in order to get water to the Everglades where it is needed while reducing the need to discharge east and west where so much water is not needed. Mr. Perry said he missed last month's WRAC meeting due to a Indian River Lagoon Symposium which featured thirty eight presentations and was attended by many scientists and graduate students all focused on the Lagoon. Mr. Perry commented that last month's constraint presentation was interesting and highlighted the need to come up with solutions to overcome these constraints. Mr. Perry commented he would like further discussion on the matter. Mr. Perry stated the University of Florida Water Institute study (UF Study) that was released this week is an important document

that WRAC should discuss in the future. Mr. Perry concluded that the option to purchase 46,800 acres of US Sugar lands should be discussed by WRAC and he recommended that WRAC urge the Governing Board to take up the issue at a future meeting.

Mary Ann Martin, Roland Martin Marina, commented that South Florida is being visited by volumes of tourists that are coming out to fish the Lake and visit Clewiston, Okeechobee, and Indiantown. Ms. Martin said Lake conditions are good although a bit too high and would like to see the level at about thirteen feet. Ms. Martin stated that recent rains and high winds can constitute dirty water; however there is clear water in the marshes where monster fish are being caught. Ms. Martin told WRAC a good spawn continues and congratulated Pahokee on its new Guy Harvey outpost. Ms. Martin said this type of tourism is good for the small communities surrounding the Lake is encouraged by the traffic that has been coming through this season.

Commissioner Karson Turner, Hendry County Board of County Commissioners, said he went to Washington DC last week as Chairman of the County Coalition for the Responsible Management of Lake Okeechobee, St. Lucie and Caloosahatchee Estuaries and Lake Worth Lagoon (County Coalition). Commissioner Turner said the County Coalition, comprised of counties within the South Florida Water Management District, delivered its message to the federal government to keep its focus on the repair of the Herbert Hoover Dike, Kissimmee River Restoration, C-43, C-44 and developing a Water Resources Development Act every two years along with providing funding for all of these measures. The Commissioner thanked Tom Teets for lending his presence and expertise as they visited with elected officials, their staff, and the Everglades Caucus.

Nancy Payton, Florida Wildlife Federation (FWF), echoed Mr. Perry's comments regarding WRAC having a formal discussion about the UF Study combined with an additional system constraints discussion in light of the information provided within the UF Study. Ms. Payton conveyed FWF's support of exercising the option to purchase US Sugar lands.

Joe Capra, CAPTEC Engineering, Inc., stated there were eight news articles on water resources in Martin County media this morning all related to items WRAC discusses on a monthly basis. Mr. Capra commended Mr. Moran and Mr. Powers on a job well done on bringing a diverse group of stakeholders together and encouraging a forum to vet a variety of water related issues from divergent points of view. Mr. Capra said last week a lot of rain fell causing local flooding in some areas; however the improvements WRAC is proposing will alleviate most of that flooding and resolve water quality issues. Mr. Capra said he hoped to discuss the impacts of the recent rain event because the best time to broach the subject is right after a significant rain event so that people can see the impact of the projects being proposed. Mr. Capra stated the systems constraints presentation provided by Jeff Kivett, Operations, Engineering and Maintenance Director, seemed to be consistent with the recently released UF Study even though there are differing opinions. Mr. Capra said he would like WRAC to give Gary Goforth some time on today's agenda to discuss some of his ideas on the subject. Mr. Capra commented that the UF Study recommends several possible solutions that have been discussed in WRAC over the past three years and hopes that the planning stage for some of the solutions is over so that work can begin. Mr. Capra concluded the legislature needs to be persuaded to fund these solutions so that projects can begin to be completed.

Ernie Marks, Fish and Wildlife Conservation Commission (FWC), thanked the District and the USACE for their efforts in moving water south and looks forward to working with both agencies to protect Florida's water resources. Mr. Marks said he reviewed the UF

Study and hopes to coordinate with all sister agencies and stakeholders to find more storage capacity and areas to treat water keeping in mind that the location of these facilities is key. Mr. Marks stated the Study lists an alternative that is specific to lands managed by the FWC that is concerning; however, he is prepared to discuss all alternatives with WRAC in order to see what alternatives FWC can support to help achieve overall goals.

Kim Taplin, United States Army Corps of Engineers (USACE), announced the next Task Force hosted Integrated Delivery Schedule (IDS) workshop will be held on Monday, March 9, 2015 at 1:00 pm in the District's B-1 Auditorium.

Doug Bournique, Indian River Citrus League, announced that the Indian River Lagoon Estuary Program was recently launched and many counties and cities wish to participate in the new program. Mr. Bournique said the program's framework is being brought together and its authority will lay with Board and Commission members from various agencies, specifically, Martin County Commissioner Ed Fielding to serve as Chairman with Brevard County Commissioner Curt Smith serving as Vice-Chair and WRAC Vice-Chair Kevin Powers sitting on the Council. Mr. Bournique said he sent a letter to Governor Scott, Senator Negron, House Speaker Crisafulli, requesting \$50M be included in the state's legislative budget this session for Dispersed Water Storage (DWS) and Water Farming Program, in light of the limited budgets of both the SFWMD and the St. Johns River Water Management District. Mr. Bournique said he provided a list of sites ideal for storing water for environmental, agricultural and future water supply and stormwater retention. Mr. Bournique said that he has letters from every Treasure Coast county and city supporting the C-25 Reconnect and is planning to forward those to the Governor and Senator Negron as well. Mr. Bournique commented that no Lake Okeechobee (Lake) releases occurred last year and only once in 2015 so 400,000 ac-ft of local basin run-off went to tide; however, every gallon of this water could be held on western properties if they were to participate in the DWS or Water Farming program as shown in the Upper Basin Plan.

Joan Lawrence, US Department of Interior (DOI), encouraged everyone to attend Monday's IDS workshop.

Jason Liechty, Broward County, said the UF Study is being closely reviewed by Broward county staff. Mr. Liechty continued the report outlines many alternative solutions and although there are many plans in place, they may not go far enough to address the problem. Mr. Liechty stated that though Broward County takes no position on opting to purchase US Sugar lands, all opportunities to create water storage both north and south of the Lake and within the estuaries should be explored.

Rob Robbins, Palm Beach County – Alternate for Commissioner Shelley Vana, thanked District and USACE staff for showing Palm Beach County staff some key District water storage and water quality projects up close that County staff had not previously invested much time in becoming familiar. Mr. Robbins continued that County staff is encouraged to see projects like Site 1 and STAs coming to fruition. Mr. Robbins announced that Palm Beach County staff took some federal grant funding agencies on a boat tour of Lake Okeechobee in an effort to take some of the muck management techniques that they have learned in managing the Lake Worth Lagoon and seeing if those technologies could be applied to Lake Okeechobee. Mr. Robbins said that a presentation regarding the same issue would be brought to the Florida Inland Navigation District in hopes of securing funding from the organization.

Neale Montgomery, Pavese Law Firm, Inc., asked if the Governing Board would consider changing the Project Priorities List developed by WRAC to incorporate any of the solutions referenced in the UF Study and if there was any funding to do so.

James Erskine, Miccosukee Tribe of Indians, stated that moving water south is really a quantity, quality, timing and distribution problem that the Comprehensive Everglades Restoration Plan (CERP) was meant to address. Mr. Erskine continued those that are knowledgeable about system constraints understand that moving water south or into Everglades National Park (Park) is really translated as moving treated water through the system and using the Everglades or “The River of Grass” for ecosystem services and functions. Mr. Erskine said there is a big difference when the issue is presented in newspapers so he must often clarify to people that moving water south is really about moving treated water through the system including maximizing the capacity of the STA system and the current treatment system, getting clean water into Water Conservation Areas (WCA) and using WCAs to increase flow velocity and flow magnitude that is important to ecosystem services. Mr. Erskine said that a lot of the general public does not have the same depth of understanding as those in the room regarding system constraints and moving water south as evidenced by public misunderstanding a couple of years ago when Lake levels were at extremely high volumes and the public was calling for water management agencies to move that water south. Mr. Erskine suggested that clarifying language should be developed about moving clean water south.

Mike Collins, Florida Keys Fishing Guides Association/Florida Bay Initiative, stated the UF Study reminded him of a Christmas tree in that every solution that could be thought of was listed in the report including advocacy for continuing planned projects, and all of the solutions that have already been proposed. Mr. Collins continued system constraints must be considered when solutions are being discussed. Mr. Collins said he voted against the US Sugar purchase as a District Governing Board member because he believed it would stop the restoration of the Everglades and feels that he has been vindicated. Mr. Collins said if Acceler8 had been completed, 650,000 ac-ft of water could have been stored and sent south and 200,000 ac-ft of water would have been contained in the A-1 reservoir, if it had been allowed to be finished. Mr. Collins stated the fastest and cheapest means to store 200,000 ac-ft of water continues to be the completion of the A-1 reservoir which can be completed as it is under construction now to a certain height and if funds were directed to its completion, 190,000 ac-ft of water could be stored and treated. Mr. Collins concluded that he is practical in his approach and has many years of experience dealing with these issues and is tired of hearing the same conversations and debates year after year. Mr. Collins said that the land originally purchased has not been used except a few land swaps and the formation of a mitigation bank and \$500M worth of land purchased today would not go into construction for seven or eight years in the future so purchasing more land is not a practical solution. Mr. Collins responded to Mr. Goforth’s statements by saying his comments were directed at the current year and the system constraints presented by District staff are general system constraints and not relegated to the optimal weather conditions present this year that allowed the movement of more water south; while Mr. Collins agreed that there are always operational opportunities within the system to manage water slightly better, there is a lack of flexibility to apply the same operational techniques used this year to every year and the environmental consequences of releasing that amount of water south has yet to be determined. Mr. Collins said that holding the course and committing to finish projects that are planned, including those that have been delayed, is the fastest route to provide people relief from negative impacts.

Newton Cook, United Waterfowlers of Florida, said the UF Study, similar to many academic studies, did read somewhat like a Christmas tree and the Study was likely conducted from a 50,000 ft view of the issue, but when the set of solutions that were presented are carefully reviewed there are some good ones and some bad ones. Mr. Cook said the Study's suggestion to flood Holey Land and Rottenberger properties is a bad idea since the properties comprise 60,000 acres of current wildlife management area, is a remnant of the drier portion Everglades, and is currently being used for public recreation. Mr. Cook said the Study's proposal to bury the property in four to twelve feet of water would cause many problems and controversy. Mr. Cook continued naturally dry lands should not be covered with water and it would make more sense to flood sugar cane fields with water, as has been done in the past with the Talisman properties, if it were decided that the option to purchase 26,000 acres of US Sugar lands was decided upon. Mr. Cook stated the idea of moving water south has become more political in nature as opposed to really taking into consideration Everglades restoration and preservation of water resources. Mr. Cook said lands are being covered with water and there is no funding to control the exotic vegetation like water lettuce, hyacinth, and cattails that inevitably moves into these areas as is the case in Paradise Run. Mr. Cook stated that when a decision is made to cover lands with water, that decision should coincide with vegetation management funding which is not cheap. Mr. Cook said he is in agreement that more land needs to be purchased south of the Lake for storage, but if it is bought it must be properly managed; and if it decided that more water is going to be sent through the STAs they should not be allowed to turn into cattail monocultures as is the case in the 16,000 acre flow equalization basin (FEB) that was built in the Everglades Agricultural Area (EAA). Mr. Cook concluded that the objective is to move clean water south but must be care must be taken not to cause damage when doing so because of increased political pressure.

Kevin Powers, WRAC Vice-Chair, recognized the passing of Anita Bain, former Bureau Chief in the Regulations Division. Mr. Powers said that Anita was a dedicated professional who regularly contributed to WRAC and served as a key member of the leadership team; Anita will be greatly missed.

Public Comment

Jim Harvey, Village of Wellington, stated that as a founding Co-Chair of the Guy Harvey Ocean Foundation he is proud to announce that the foundation has been able to help with ecotourism on Lake Okeechobee. Mr. Harvey stated that even though a Christmas tree has many ornaments some of them to be made into reality. Mr. Harvey said that according to the WRAC Charter, WRAC is charged with advising the Governing Board on matters of Everglades restoration and in light of its responsibility, the Village of Wellington requests that WRAC consider the land swap between DOI and the Loxahatchee Wildlife Refuge to trade the Snail Farm for Strazzula. Mr. Harvey held that Strazzula has always been meant to serve as a buffer and would like for it to be used as such. Mr. Harvey concluded that the land swap should have been vetted through WRAC for more discussion prior to being sent to the Governing Board where there is limited discussion and public interaction.

Bob Ulevich, Indian River Citrus League – Alternate for Doug Bournique, said he would like an update on the first water farming project as it has reached its one year anniversary and coincides with the Inspector General's report. Mr. Ulevich continued he spoke with staff and suggested developing a clearinghouse of information on the District's website for water farming information so that it is easily accessible by

interested stakeholders. Mr. Ulevich also suggested that staff develop a standardized checklist for applicants wishing to participate in the program so that everyone is submitting the same information in an effort to improve the process and obtain better end results. Mr. Ulevich encouraged WRAC to receive an update on Ten Mile Creek and its status of being transferred from the USACE to the District.

Gary Goforth said in the last eighteen months he has done a lot of pro bono work to help educate the public because there is a lot of misinformation that gets circulated, particular around legislative session. Mr. Goforth said a year ago he had an opportunity to present WRAC his perspective on moving water south and impacts on the estuaries and in November of 2014 he came back and commended the District and the USACE on the extraordinary efforts that had been made on sending treated water south and is back again today to express appreciation for the historic amount of treated water, about 500,000 ac-ft in total, that has been sent south to the Everglades in the past twelve months. Mr. Goforth said that the only time that volume was exceeded was in water year 1993 when over a million ac-ft of water was sent south even with 1.5M ac-ft of EAA water present in the system and despite system constraints so moving the water was clearly not a wet-year/dry-year issue. Mr. Goforth continued the District's constraints document has received a lot of attention, misrepresentation, mischaracterization and has gained a high level of importance from Governing Board members and some third parties have begun using the document as an excuse and justification not to even consider moving more water south. In response, Mr. Goforth authored a two page summary highlighting the top ten discrepancies between what is in the District's constraint document and what the data show as a part of a comprehensive letter he sent to District Executive Director Blake Guillory with a copy to Governing Board members. Mr. Goforth stated that these ten items are not his personal opinion, rather a reflection of the data, which show something different than the document. Mr. Goforth said the document leaves the impression that the existing infrastructure does not have sufficient capacity to send significant volumes of treated Lake water to the Everglades which is in conflict with the District's data. Mr. Goforth continued that he has met with Mr. Kivett and Mr. Powers and has offered to meet with staff to revise the District's constraints document and develop an accurate statement of the constraints as they are a foundation and once constraints are understood they can begin to be resolved and long-term goals can be achieved. Mr. Collins asked whether Mr. Goforth has read the Center for Biodiversity's recent notice of intent on the impact of the Cape Sable Seaside Sparrow. Mr. Collins continued the sparrow was not listed in the District's constraint document because it is outside of the District's area of responsibility; however, only limited amounts of water can be sent to Everglades National Park (Park) about six months out of a year to protect the species. Mr. Collins continued a lawsuit would be filed in federal court next week related to the sparrow and he does not understand how an entire ecosystem can be held up due to one species. Mr. Collins said that the District will be placed in a position once more to not be able to send any water south. Mr. Collins said the idea that the District's constraints are the only constraints to moving water south is not accurate and Mr. Goforth's statement that his document does not include any opinion may be misstated. Mr. Collins continued there are huge constraints to moving water south and the latest federal lawsuit related to the Cape Sable Seaside Sparrow is the biggest one. Mr. Collins stated that since he joined WRAC fifteen years ago, one of the biggest problems that has been encountered related to moving water south and into the Park is the existing biological opinion that the Park should operate like an altered wetland. Mr. Collins suggested Mr. Goforth take a look at the issue.

W. Ray Scott, Florida Department of Agriculture and Consumer Services (FDACS) requested staff provide a copy of the full letter Mr. Goforth sent to Mr. Guillory.

Mr. Moran informed WRAC members and guests that Mr. Kivett's presentation on system constraints would be on the March 12, 2015 Governing Board agenda.

4. Integrated Delivery Schedule Update- Tom Teets, Director, Everglades Policy and Coordination Division, SFWMD

WRAC Member Comment

Mike Collins asked if there was a list of predecessor projects that had to be completed before CERP projects could get started according to WRDA 2000. Mr. Teets responded Mod Waters and C-111 South Dade likely cover the projects that had to be completed prior to CERP according to the list provided in WRDA 2000.

Joe Capra, asked about the effect of cost share crediting related to the foundation projects/non-CERP projects. Mr. Teets responded that cost share crediting for those projects are accounted for separately as they are not a part of CERP. Mr. Teets cited Kissimmee River Restoration as a fifty-fifty cost share between the District and the USACE, STA 1 East as predominately constructed by the USACE with the District taking over Operations and Maintenance responsibilities after it was completed, the Modified Water Deliveries project as being cost shared between USACE and DOI for construction with a planned hand off for a cost share agreement to take place between the District (25%) and the USACE (75%) during the operation phase, and the C-111 a fifty-fifty construction cost share between the District and the USACE. Mr. Teets clarified that operations and maintenance cost share is separate from the cost sharing activities just discussed and land costs are included. Mr. Capra asked if \$110M was an excessive amount for the state to be ahead of the USACE in funding CERP projects. Mr. Teets explained the amount is in credits, or how much work the District has completed and been credited toward these projects. Mr. Teets said the goal was to stay far enough ahead of the USACE so that there will never be a concern that projects will have to be delayed.

Mark Perry asked if Restoration Strategies had to be completed before the Central Everglades Planning Project (CEPP) and if it was to be considered as part of the sequencing plan. Mr. Teets confirmed his statement.

Public Comment

Caroline McLaughlin, National Parks Conservation Association (NPCA), said that IDS workshops are a part of an important process that will help better prioritize key projects for Everglades Restoration. Ms. McLaughlin emphasized the need to keep a focus on ecological benefits as projects are being considered and prioritized. Ms. McLaughlin said the NPCA wants to make sure that planned projects improve hydrology in estuaries and reconnects hydrology of Lake Okeechobee and Everglades National Park. Ms. McLaughlin continued that prioritized projects should make Florida more resilient to the impacts of sea level rise and climate change. Ms. McLaughlin commented moving forward with Everglades Restoration should have a positive economic impact for communities all over south Florida. Ms. McLaughlin said while it is important to complete projects that have already begun like Biscayne Bay Coastal Wetlands Phase I, it is equally important to ensure that multiple projects move forward concurrently if real progress towards Everglades Restoration is to be realized.

5. Right of Way Management - John Hixenbaugh, Administrator, Right of Way Section, Field Operations and Land Management Division, SFWMD

Jason Liechty asked whether the examples provided in the presentation portraying images of buildings built into the right of way were impediments that reduced canal capacity and the volume of stormwater that can be sent to tide in an emergency situation. Mr. Hixenbaugh responded that in cases where encroachments reduce capacity or hinder the performance of operations or maintenance activities, the District's compliance section uses enforcement measures to quickly address the issue whether it leads to modifying the imposing structure or completely removing the obstruction. Mr. Hixenbaugh continued the buildings or structures depicted in the City of Medley are located at the top of bank and currently do not hinder flow capacity; however these structures do represent a rule violation in a technical sense.

Joe Capra commented a railroad would require payment for those that use their rights of way and asked if and how the District assessed fees for right of way access. Mr. Hixenbaugh said there is a permit review fee associated with the application process; however, there is no licensing program requiring fee payment and annual renewal. Mr. Capra asked if it was common practice for people to build on property they do not own to which Mr. Hixenbaugh responded the occurrence is quite frequent. Mr. Hixenbaugh stated in dense, urbanized areas of the south, the District only has an easement interest in private property and in many cases the District's right of way extends to back of the structure or home itself – so the home is located just outside of the right of way. Mr. Hixenbaugh stated that entire backyards, in these cases, are encumbered by the District's right of way and according to the District's current rules, homeowners are precluded from using and enjoying that space in the way they would like to. Mr. Hixenbaugh continued that in these densely populated areas a conflict arises as people tend to look at District canals as an amenity instead of the water conveyance structures they are meant to be.

Mark Perry said that people building along canals should have surveys that reveal easement ownership and rights of way. Mr. Perry returned to the previous agenda item and wanted clarification that Indian River Lagoon South (IRL) Phase I project is authorized in its entirety and that a project partnership agreement (PPA) is in existence for the entire project even though the PPA was amended in July of last year to include C-44 which falls under Phase I. Mr. Teets replied that the entire IRL project is authorized but only Phase I has a PPA which includes the reservoirs and STAs; natural lands do not have a PPA.

Brian Wheeler, Toho Water Authority, wanted to know, as the operator of a utility that constantly gets encroachments on utility rights of way, how the District measures customer satisfaction. Mr. Hixenbaugh stated that if a customer knows they need a permit and comes in to get an application, District staff works diligently to work with the applicant to provide expeditious service, and in a compliance situation District staff does everything within its power to bring the violator into compliance by providing the proper information to get them under permit. Mr. Hixenbaugh continued that staff assists these homeowners with drawings, meets constituents in the field where they live, and informs them of all of their options. Mr. Hixenbaugh said that those customers that are not happy with the rules are happy with the level of service and attention they receive from right of way staff.

Jill Hoog, Keyes Realty, asked how right of way staff interacts with other local permitting entities such as counties and municipalities to inform them of rights of way that would provide information to homeowners up front so they can avoid encroachment activities. Mr. Hixenbaugh informed Ms. Hoog that all improvements do not require a survey from

counties or municipalities so consumers may inadvertently encroach on District rights of way and cities and counties are in the practice to ensure that all of their rules and ordinances are followed and not beholden to easement rights of other entities. Mr. Hixenbaugh said he is trying to build relationships with other agencies to build awareness and become better partners in these types of situations.

Mr. Moran asked if encroachments affect the agency's ability to maintain and mow and how staff works around the issue. Mr. Hixenbaugh said the tools available to staff from a compliance standpoint allows removal of impediments if they are not under permit which is easy to do for shrubbery and trees, but much more difficult in circumstances when pools or other complex structures have been placed in District rights of way. Mr. Hixenbaugh said the District has the ability to remove these impediments when they obstruct rights of way through self-help or litigation. Mr. Moran asked if staff typically maintains both sides of canals as the Lake Worth Drainage District seems to maintain one side. Mr. Hixenbaugh said where there is clear access along both sides, the District will maintain both and in situations where the District only needs access to one side, canals are maintained that way. Mr. Moran asked if there were ever times where the District would be estopped from enforcing right of way if obstructions have been in existence for a long time or adverse possession. Mr. Hixenbaugh said there is nothing that legally precludes the District from enforcement, even if structures have been in existence for years – there is no time limit. Mr. Moran asked if most of the encroachment problems are old or if obstructions are continually constructed. Mr. Hixenbaugh said that right of way encroachment is an ongoing issue. Harry Raucher, Lake Worth Drainage District, said his agency is confronted by this issue often and it is very difficult to ask residents to remove structures that have existed for a long time, especially if those structures are a part of their fencing or home.

Public Comment

Drew Martin, Sierra Club, said the Sierra Club receives calls if a resident has had a large tree in their yard for years that is perceived as a part of their property's enhanced value and someone shows up unexpectedly and cuts it down without any sort of notification as was the case along the C51 at the entrance to the Lake Worth Lagoon, where some entity removed a vegetated area where wildlife had established residency, ruining the look of the entire area. Mr. Martin said that he understands that people may perceive canal front property as belonging to them as canals were dug where natural streams and wildlife were once dominant. Mr. Martin continued that it is unusual that people unknowingly construct swimming pools and other structures on District rights of way as these easements should have been revealed through the permit application process through their local jurisdiction or the pool company should know that right away if the installation will be in a right of way. Mr. Martin expressed concerns about grass clippings from mowing activities entering the canal system and degrading water quality along with chemicals being used to treat exotic vegetation.

6. Public Use on District Lands - Dan Cotter, Public Use and Wildlife Section Leader, Field Operations and Land Management Division, SFWMD

WRAC Member Comment

Newton Cook expressed his appreciation for the presentation and hoped that the Governing Board would also hear an abbreviated version of the same, as it is important to recognize the thousands of people that recreate on public lands. Mr. Cook reminded everyone that the WRAC Recreational Issues Workshop (WRAC RIW) meets on May

15, 2015 and is a forum. Mr. Cook said twelve years ago no hunting and no trespassing signs were widely present on District lands and District staff has made a tremendous effort to reverse this negative trend to the benefit of all.

Kevin Powers said he stands behind the expansion and enhancement of public use of District properties and is pleased to see the progress that has been made. Mr. Powers pointed out the partnership between Martin County Audubon and the District on Lakeside Ranch STA and the public's access to the property and said he spoke before the group on January 22 at their Evening of Excellence and Audubon is thrilled with the opportunities residents have to recreate on District lands.

Karson Turner, Chair, Hendry County Commission, recalled childhood experiences of fishing along District canals and expressed his appreciation for improved recreation opportunities for the public, especially opportunities for youth. Commissioner Turner announced Hendry County collected tourism and development taxes in the amount of \$190,000 this year, while Glades County brought in \$5,400 for the year to be used to maintain and improve public recreation areas. The Commissioner stated that the District has made STA5 much more accessible and orderly to help avoid the conflicts that often arose in the past by those wanting to enter. Commissioner Turner asked why STA5 was not open for daily passive use and if the District had plans to move towards that. The Commissioner also stated that the District has been accused of denying access to equestrian users, particularly the Caloosahatchee Saddle Club. Mr. Cotter replied that STA5 is open regularly on the weekends from Friday through Monday unless construction is taking place or a managed event is scheduled. Mr. Cotter asked the Commissioner to provide contact information for the equestrian group so that he could address their concerns as there is some sensitivity in the STAs regarding maintaining the integrity of the levees. Mr. Cotter stated there has not been much demand for equestrian use in areas accessible to horses outside of the STAs as those areas are exposed to the sun.

Mike Collins commended the District for making tremendous progress in transitioning from a no-access policy as a result of Governing Board and public pressure and the support of local governments and Governor Jeb Bush. Mr. Collins said additional support came from DOI, Audubon with the biggest contribution coming from the Fish and Wildlife Conservation Commission who provided funding and other assistance when needed. Mr. Collins said access determination is now guided by being able to protect and preserve natural resources while allowing public use of District owned land and commended Mr. Cook for the work he has done in relation to continued public access opportunities.

Mark Perry said history has finally turned around and these lands are a tremendous asset not just for water control, wetlands or restoration, but for recreation. Mr. Perry commended Mr. Cook for the work he has done on WRAC RIW in bringing recreational users together and continuing to push for access. Mr. Perry stated the value of providing an education regarding these opportunities is instrumental, especially to the youth who will be responsible to carry on efforts to preserve and protect natural resources. Mr. Perry stated it is important to continue to inspire environmental stewards both young and old by providing opportunities to see nature and wildlife up close and it is a good idea to bring a presentation like this to the Governing Board who may be newer members, so can see how the 600,000 acres of lands in District ownership are being used. Mr. Perry continued Allapattah in Martin County exemplifies land purchased to restore hydro-periods, save water from going out the C-23 and into the estuaries, all while people are able to enjoy the recreational value of the property.

Ernie Marks commended Mr. Cook and all of those who have come before him to get the public access program to where it is today. Mr. Marks said he is proud that FWC partners with the District and many others on this program and looks to expand that partnership in any way possible to create additional opportunities for their stakeholders and help the District when critical needs arise. Mr. Marks stated FWC wants to leverage its resources in a way that ensures the best benefits are realized for stakeholders and future generations. Mr. Marks understands the restrictions to the public on certain properties but urged District staff and the Governing Board to look closely at areas that have restricted access to determine whether granting access would impact operations and if not, consider expanding recreation to those areas.

Albrey Arrington, Loxahatchee River District, agreed that the youth should be exposed to nature and it is critical to provide access to the properties that the citizens of Florida have purchased through the District. Mr. Arrington commended the District on opening so many properties to the public and said this presentation has highlighted some new areas he would like to explore. Mr. Arrington asked if there was a plan to make the Mecca property accessible to the public from a period beginning today until construction on the reservoir begins. Mr. Arrington also asked about plans for the shooting range to be located on the property. Mr. Kivett responded that design on the Mecca property has already begun and the District is discussing the shooting range with FWC. Mr. Kivett said now, as the project is in the design phase, is the time to get involved and discuss recreational opportunities on the property.

Doug Bournique said that the St. Johns River Water Management District is also opening up lots of access to the public and duck hunting in the SJRWMD has been superb. Mr. Bournique said it is disheartening to see the vandalism taking place on new buildings that have been provided to the public.

Nancy Payton said every year for a number of years the FWF has provided buses for 4,000 Panther Posse students associated with Florida Gulf Coast University's outreach program to fourth graders in Lee and Collier counties that visit Corkscrew Regional Ecosystem Watershed (CREW) as a culmination of their year-long program. Ms. Payton said it is surprising to note that many of these students have never experienced the wild and one of the program goals is that these young people will bring back family and friends to this free venue that is open every day. Ms. Payton also mentioned that the buses are being leased by the Barron Collier foundation this year and thanked Tom Jones, Barron Collier, for the donation.

Joe Capra commended Mr. Cook for a job well done as WRAC RIW Chairman. Mr. Capra said he enjoyed the green color of the slides used in Mr. Cotter's presentation that represented nature as well as the pictures that depicted many people smiling that says a lot about the secondary reason projects are undertaken. Mr. Capra asked in the 43,000 acres that may be obtained from agriculture will a percentage be dedicated for recreational use, and how is it determined how much land in general will be reserved for recreational use. Mr. Cotter responded during the design phase of any project public use staff meets with project engineers to review plans and discuss opportunities to incorporate public access through parking at a trailheads, boat ramps or a variety of other means up to use of the entire property. Mr. Cotter said it is a matter of determining the compatibility of uses and since projects are so tightly managed by usage and time of day, the District aims to establish managed events through partnerships to provide a variety of uses that are managed in order to protect sensitive lands. Mr. Cotter said bird watching tours are a good example of this type of activity. Mr. Cotter stated that the District makes every effort to establish public access and recreational opportunities in the design phase so that consideration for recreation is

given early on in the process. Mr. Capra said his experience with a lot of what he is seeing is the District impacts wetlands for example sometimes to create public access areas and he knows the District does the best it can to avoid them, so with all of the wetlands being created are they used as the mitigation and is there an opportunity for the District to sell credits to other entities. Mr. Capra says that he hopes the District is not buying mitigation credits in order to allow for recreational opportunities as that adds to the cost of projects. Mr. Capra asked how are people who go onto District owned properties made to feel safe from other people attacking them. Mr. Cotter responded public access is located in natural areas and individuals are going into the woods in many cases although the STAs are different, so FWC is a strong partner in providing law enforcement patrol even though they are not a constant presence and cannot be all places at all times. Mr. Cotter said there are campground hosts and other situations where the District has a presence and if there is illegal activity they can call an officer to get them out to the site which is really important; however, it must be realized that individuals are in the wild. Mr. Marks followed up by stating even in an urban setting there is no guarantee that people will have safety even when hundreds of people are around; many muggings are carried out in broad daylight while people walk right by. Mr. Marks continued FWC officers are committed to keeping a strong presence on these properties and often are in areas where people least expect them to be. Mr. Marks said FWC aims to be proactive and works closely with the District to get plans, maps of trails, construction information, and facility locations so that they can provide the best possible level of service. Mr. Marks suggested that anyone who visits these often remote areas and have concerns about their safety, they carry a mobile device or any other legally acceptable item they feel they need to be able to protect themselves.

Mark Perry emphasized the cooperative uses the District has been able to achieve would not happen were it not for WRAC RIW, led by Mr. Cook, who has done an outstanding job in helping to resolve the conflict that can occur between user groups.

Public Comment

Martha Musgrove, Florida Wildlife Federation, said a lot of credit is due to cooperation between the District, the local sheriffs, the FWC and others who manage land with a very few people and although this area is not the largest in the District, the people who work in it are very attentive to the recreational issues and have done a magnificent job with the electronic database and permitting and work hard to resolve problems before they become public outcries. Ms. Musgrove cited burning as an example of managing lands in south Florida which could be done without the cooperation of District land management staff, local fire agencies, and others who schedule time to get together to discuss which areas need to be burned and then volunteer their time to get the job done. Ms. Musgrove said these volunteer hours are not accounted for in the 12,000 hours mentioned in Mr. Cotter's presentation, but are additional hours put in by those who take pride and ownership of the land and in turn donate their time to cleaning it up. Ms. Musgrove said public use areas in the District are well managed and recreationists are fortunate to have dedicated staff working in this area of the District.

7. Staff Reports

No staff reports.

Jacqui Thurlow-Lippisch, Commissioner, Town of Sewall's Point – Alternate to Joe Capra, said Sewall's Point is ground zero for the releases from Lake Okeechobee and the local canals. Ms. Thurlow-Lippisch stated the Lake is currently at 14.7 ft and releases have been going into the St. Lucie River since mid-January and gates have been opened further this week and releases are likely to continue which is pointing to having another lost summer in Martin County in the event of heavy rains. Ms. Thurlow-Lippisch said Sewall's Point, the City of Stuart, and Martin County have put together a resolution asking that WRAC, as an advisory body to the South Florida Water Management District, consider the purchase of option lands south of Lake Okeechobee to take advantage of a contract that has already been put in place. Ms. Thurlow-Lippisch displayed the UF Study that was released yesterday and stated that if the study is used in conjunction with Mr. Kivett's constraints presentation, as through knowing and recognizing constraints they can be overcome, provides a historic opportunity to resolve some monumental issues. Ms. Thurlow-Lippisch urged WRAC to take advantage of this historic opportunity.

Drew Martin agreed with Ms. Thurlow-Lippisch and stated the UF Study demonstrates there is good science behind moving forward with looking at the option and considering it, in particular doing the appraisals so that the District does not fall behind and keeps the door open. Mr. Martin said the short time frame may cause difficulty if appraisals are not begun soon. Mr. Martin speculated even though there are constraints, Amendment 1 money is available and some legislators are beginning to want to look at the option and there is an incentive to at least consider the option as the legislature asked for the UF Study which produced three options, one of which is to purchase the optional sugar lands. Mr. Martin stated that the an item related to the issue should be added to the Governing Board agenda as it makes sense to talk about it and evaluation of the economic damage being done to the Indian River Lagoon and the counties along the Treasure Coast from the releases and stop focusing on the interest of EAA land owners who are not expected to make a sacrifice while residents impacted by releases are expected to continue to lose jobs and suffer economic distress. Mr. Martin emphasized the importance of studying the option and not closing the door on the opportunity to provide some relief to the estuaries by moving forward with appraisals.

Gary Goforth commended the District for looking at creative ways to increase water storage both north and south of the Lake through its Dispersed Water Management (DWM) Program. Mr. Goforth continued that he is a fan of DWM when it is in the right location, cost effective, and truly reduces the inflows and nutrient loads to receiving water bodies; however, in order to ensure these benefits are realized, a good feasibility study must be done to evaluate the distance from the receiving water. Mr. Goforth cited the Caulkins water farming project as an excellent example of a properly located project as it is directly on the C-44 canal and has an excellent operating team that knows when discharges are being made and timing their pumps so that they are efficient. Mr. Goforth requested that WRAC ask staff to evaluate the Alico DWM project which costs \$124M for ten years and has questionable benefits. Mr. Goforth stated that District maps indicate the majority of the Alico project is not even in the C-43 basin but lies within the C-139 basin which will take water away from the water-starved STA5/6. Mr. Goforth requested WRAC look at alternative projects within the C-43 basin where funds can be better spent, as ten years from now the public will have nothing to show for the \$124M and by contrast purchasing lands, even at \$7,700 per acre, over 16,000 acres could be purchased for long-term solutions for the water resources in the State of Florida. Mr. Goforth appealed to the WRAC to further evaluate the Alico project. Mr.

Goforth stated that Governing Board member Mitch Hutchcraft was recently on a Everglades Coalition panel with him and was receptive to evaluating the Alico project if other projects were found to be more cost effective and more technically defensible.

Bob Ulevich reiterated the significance of Mr. Bournique's announcement of the launching of the Indian River Lagoon National Estuary Program (IRLNEP) with Mr. Powers humbly serving on the Council. Mr. Ulevich said the group, made up of local interests, is dedicated to acquiring funding in varying ways to improve the estuary.

9. Final WRAC Member Comment

Mark Perry said there is some legislation going around Congress to deauthorize Ten Mile Creek so perhaps it could be added to a future WRAC agenda item along with an evaluation on the DWM program in light of the coordination taking place on which projects are going forward, which are working and which are not.

Joe Capra asked how items brought up by WRAC members to be considered for future agendas are handled by staff. Mr. Moran replied that staff compiles a list and he reviews the items and decides what goes on the agenda based on timing and relevance.

10. Adjourn

Mr. Moran announced a WRAC RIW meeting would be held on Monday, March 16, 2015 at 5:00 pm and the next WRAC meeting would be on April 2, 2015 at 9:00 am. Mr. Moran adjourned the meeting at 11:50 am.